

BINGHAM McCUTCHEON LLP
TRENTON H. NORRIS, CBN 164781, trent.norris@bingham.com
JASON A. YURASEK, CBN 202131, jason.yurasek@bingham.com
SIVAN GAI, CBN 224152, sivan.gai@bingham.com
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: 415.393.2000
Facsimile: 415.393.2286

Atorneys for Plaintiffs
REARDEN LLC; REARDEN PRODUCTIONS, LLC; REARDEN STUDIOS,
LLC; REARDEN, INC.; and REARDEN PROPERTIES, LLC

GREENBERG TRAURIG, LLP

KENNETH S. KOREA, CBN 200060, koreak@gtlaw.com

1900 University Avenue, 5th Floor

East Palo Alto, CA 94304

Telephone: 650.328.8500

Facsimile: 650.328.8508
E-MAIL: E.HARDIG (e-mail address included in other comments)

RICHARD D. HARRIS (admitted *pro hac vice*), harrisr@gtlaw.com; HEDBERT J. FINN (admitted *pro hac vice*), finnh@gtlaw.com

HERBERT H. FINN (admitted *pro*
77 West Washington Drive, Suite 2500

77 West Wacker Dr.
Chicago, IL 60601

Chicago, IL 60601
Telephone: 312-456-8400

Telephone: 312.456.8400
Facsimile: 312.456.8435

Attorneys for Defendant
REARDEN COMMERCE, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

REARDEN LLC, a California limited liability company; REARDEN PRODUCTIONS, LLC; a California limited liability company; REARDEN STUDIOS, LLC; a California limited liability company; REARDEN, INC., a California corporation; and REARDEN PROPERTIES, LLC; a California limited liability company,

No.: 06-7367 MJJ

**JOINT STIPULATION AND
[PROPOSED] ORDER TO EXTEND
THE MEDIATION DEADLINE**

Hon. Martin J. Jenkins

Plaintiffs

V.

26 REARDEN COMMERCE, INC., a California corporation, and DOES 1 through 150, inclusive,

Defendants.

1 Pursuant to A.D.R. Local Rule 6-5 and Civil Local Rule 7-12, Plaintiffs Rearden
2 LLC; Rearden Productions, LLC; Rearden Studios, LLC; Rearden, Inc.; and Rearden Properties,
3 LLC (collectively "Plaintiffs") and Defendant Rearden Commerce, Inc. ("Defendant")

4 **STIPULATE AND AGREE** that the Court may enter the following order:

5 1. On February 14, 2007, the Court entered an Order, pursuant to the parties'
6 stipulation, referring the parties to mediation and setting a deadline for the mediation to occur
7 within 90 days of the Order.

8 2. On March 5, 2007, the Court notified the parties and counsel that Debra L.
9 Mellinkoff had been assigned to the case.

10 3. On March 13, 2007, Ms. Mellinkoff and the parties participated in a phone
11 conference in which they mutually agreed to set the mediation for May 7, 2007 at the neutral
12 location of Four Embarcadero Business Center.

13 4. Defendant served its First Request for the Production of Documents and
14 First Request for Interrogatories such that Plaintiffs' responses would be due on April 16, 2007.

15 5. Plaintiffs' advised Defendant of the death of the father-in-law of Mr. Steve
16 Perlman, CEO and principal of Plaintiffs, as well as Plaintiffs' desire to seek an extension of
17 time to respond to Defendant's discovery beyond the April 16, 2007 due date.

18 6. Defendant advised Plaintiff that it did not object to a two-week extension
19 with respect to the discovery responses, but that Defendant would need to reschedule the
20 mediation to a date after documents had been exchanged, to afford each side an opportunity to
21 review them for the mediation. This was conditioned on the availability of Ms. Mellinkoff,
22 counsel, and the parties' respective CEOs in June.

23 7. On April 18, 2007, pursuant to the parties' agreement, and based upon all
24 parties' availability, Ms. Mellinkoff rescheduled the mediation for June 6, 2007, commencing at
25 10:00 a.m.

26 8. Accordingly, all parties concur in the request that the Court extend the
27 deadline for conducting the mediation, after initial discovery, and set a new deadline of June 6,
28 2007, the date on which the parties agree to reset the mediation.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

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3 DATED: April 20, 2007

BINGHAM McCUTCHEN LLP

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5 By: _____ /s/
6 Trenton H. Norris
7 Attorneys for Plaintiffs
8 Rearden LLC; Rearden Productions,
9 Inc.; and Rearden Properties, LLC

10 DATED: April 20, 2007

11 GREENBERG TRAURIG, LLP

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13 By: _____ /s/
14 Herbert H. Finn
15 Attorneys for Defendant
16 Rearden Commerce, Inc.

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DATED: April 24, 2007


The Honorable Martin J. Jenkins
United States District Court
Northern District of California

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